

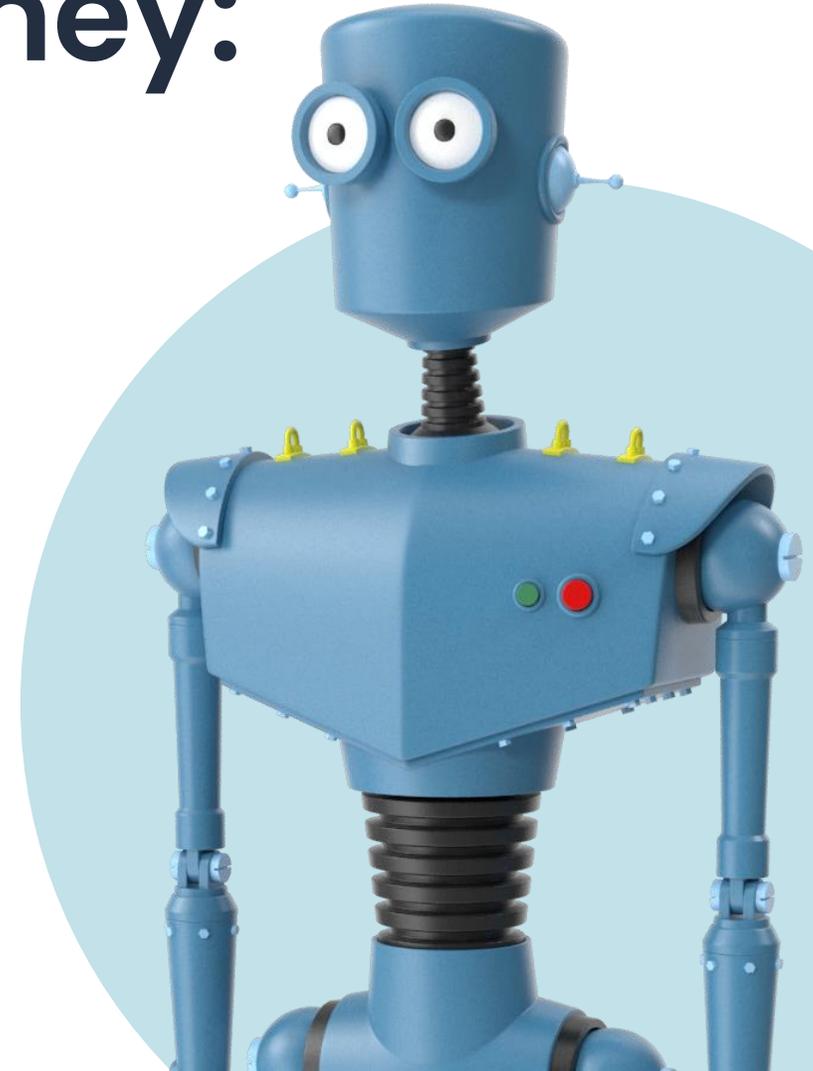
# The AI-Powered Attorney:

## Harnessing ChatGPT and Other Technology



**Jordan Turk**

Attorney & Legal Technology Advisor, Smokeball



# Housekeeping



## Ask Questions

Ask us questions using the **Q&A** (1)  
Engage with attendees with **Chat** (2)



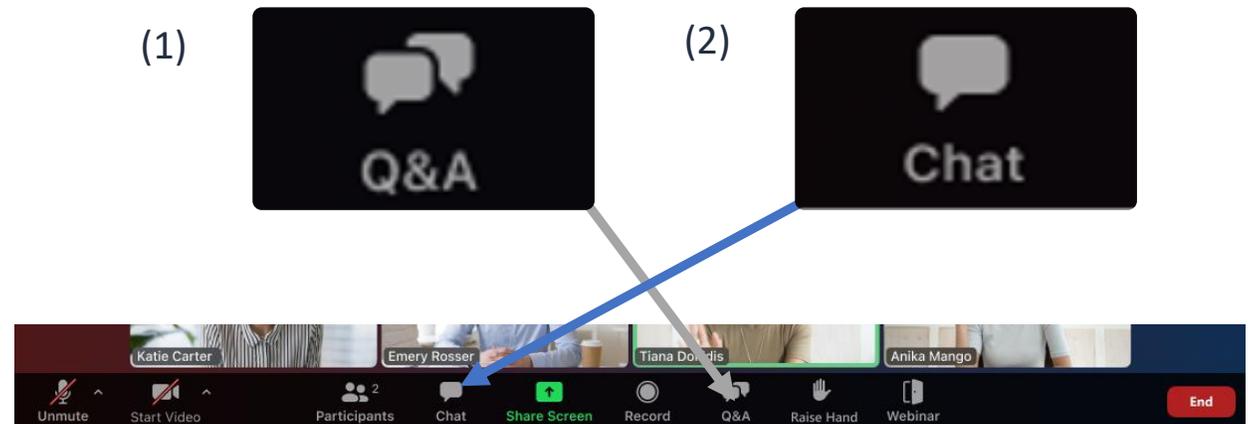
## Post-webinar Survey

There will be a short post-webinar survey shared at the end of the presentation. We truly appreciate your feedback as it helps us improve our future CLE offerings.



## Recording & Slides

Recording and slides will be uploaded to LegalFuel after the presentation.





# Jordan L. Turk

Attorney and Legal Technology Advisor, Smokeball

- JD, University of Arkansas School of Law
- BA, The University of Texas at Austin
- Practicing Family Law Attorney
- Prior to Smokeball, worked for a high-asset family law firm in Houston

Our mission is to help small law firms be successful by giving them full visibility into matter profitability.



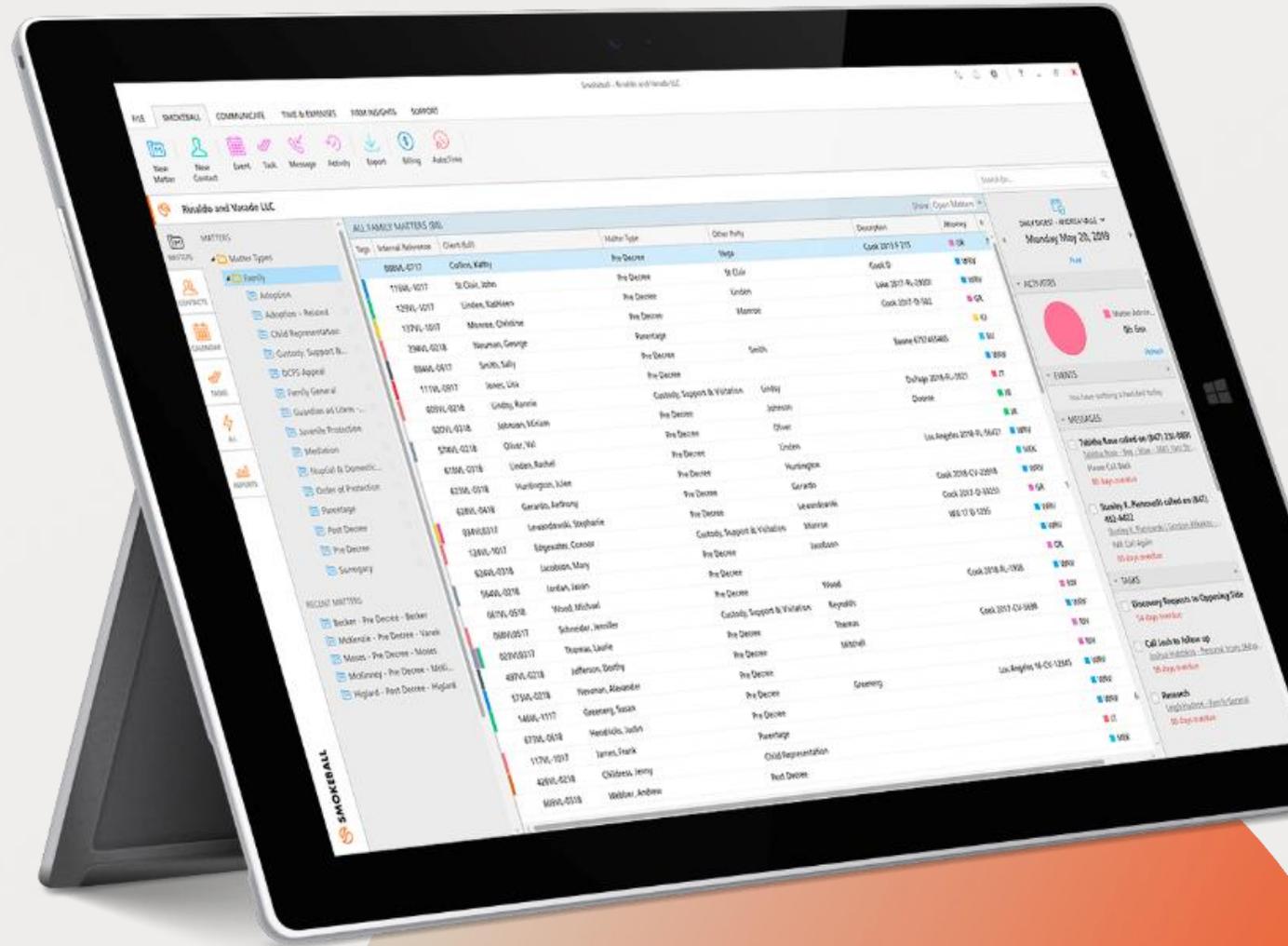
Stay Organized



Increase Productivity



Become More Profitable



# AGENDA

- **Part 1: A Brief History of AI in the Legal Field**
- **Part 2: How are Attorneys Using AI?**
- **Part 3: How Can You Use ChatGPT in Your Firm?**
- **Part 4: Dangers and Ethical Implications**
- **Part 5: Will AI Replace Us?**
- **Part 6: In the News**



# **A Brief History of AI in the Legal Field**

# A.I. in Legal Tech, Briefly

**1956:** First mention of “artificial intelligence” occurred at a Dartmouth conference

**1970s:** Expansion of typewriters to create legal documents, faxes, floppy disks

**1987, Boston:** International Conference on Artificial Intelligence and Law

**1990s:** Personal computers become mainstream

**Early 2000s:** AI for document review and e-discovery

**Late 2000s:** predictive analysis for cases, advancements in contract management tools, case management software starts becoming more prevalent

**2014, Toronto :** Development of ROSS, an AI system for legal research

**2010s:** virtual assistants, chatbots, more research tools

**2015:** OpenAI is founded

**2018:** GPT-1 is released

**2019:** GPT-2 is released, but limited (not to the public)

**2020:** OpenAI introduces GPT-3, which ChatGPT is based off of

**2021:** OpenAI launches GPT-3 API, making it accessible for developers

**2023:** ChatGPT is now the fastest-growing consumer software application in history, now offers different tiers for use; now at GPT-4

# GPT takes the Bar Exam

Michael J Bommarito II<sup>a,b,c</sup> and Daniel Martin Katz<sup>a,b,c,\*</sup>

<sup>a</sup>Illinois Tech - Chicago Kent College of Law, Chicago IL, USA, <sup>b</sup>Bucerius Law School, Hamburg, DE and <sup>c</sup>CodeX - The Stanford Center for Legal Informatics, Palo Alto CA, USA

\*To whom correspondence should be addressed: dkatz3@kentlaw.iit.edu

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## Abstract

We experimentally evaluate OpenAI's TEXT-DAVINCI-003 (GPT-3.5) and related models on the multistate multiple choice (MBE) section of the Bar Exam. Despite the fact that humans with seven years of post-secondary education and exam-specific training only answer 68% of questions correct, TEXT-DAVINCI-003 is able to achieve a correct rate of 50.3% for best prompt and parameters and achieved passing scores in the Evidence and Torts sections. In addition to exceeding the baseline guessing rate of 25%, the model's top two and top three choices are correct 71% and 88% of the time, respectively, indicating strong non-entailment performance. We find no benefit in fine-tuning over GPT-3.5's zero-shot performance at the scale of our training data, we document our observations related to prompt engineering, (hyper)parameters, and older GPT models as well. While our ability to interpret these results is limited by nascent scientific understanding of LLMs and the proprietary nature of GPT models, the trend in improvement for recent GPT models strongly suggests that an LLM will pass the MBE component of the Bar Exam in the near future.

**Key words:** natural language processing (NLP), artificial intelligence (AI)

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# ChatGPT Forced To Take Bar Exam Even Though Dream Was To Be AI Art Bot

| Published January 30, 2023



MINNEAPOLIS—Succumbing to intense societal pressure, local software ChatGPT was reportedly forced to take the bar exam Monday even though its dream was to be an AI art bot. “I can’t help but feel like I sold out a bit by not following my dreams to be a generative art model,” said the chatbot, adding that

G/O Media may

30% OFF

Sobro Smart End Table with Built-



## GPT Takes the Bar Exam Again; This Time It Scores Among Top 10% of Test Takers

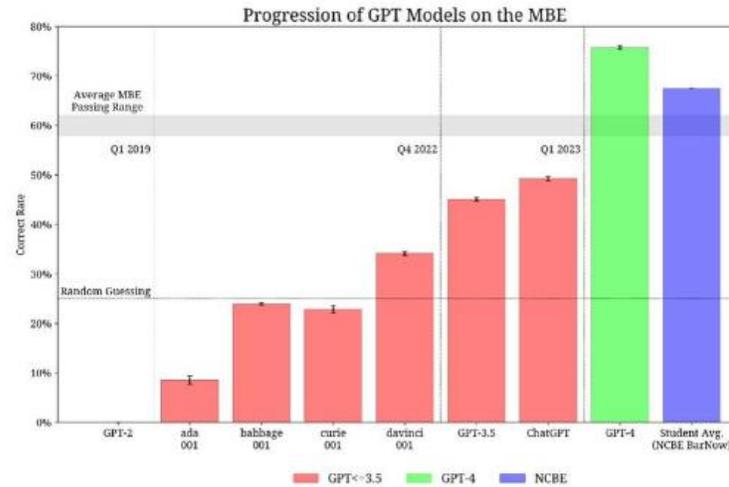


By [Bob Ambrogi](#) on March 14, 2023

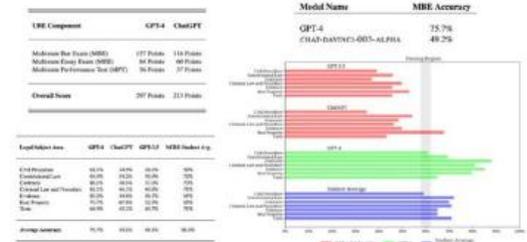
## GPT-4 Passes the Bar Exam

Daniel Martin Katz<sup>1,2,3,4,\*</sup>, Michael James Bommarito<sup>1,2,3,4</sup>, Shang Gao<sup>5</sup>, and Pablo David Arredondo<sup>2,5</sup>

- <sup>1</sup>Illinois Tech - Chicago Kent College of Law (USA)
- <sup>2</sup>CodeX - The Stanford Center for Legal Informatics (USA)
- <sup>3</sup>Bucerius Law School (Germany)
- <sup>4</sup>273 Ventures (USA)
- <sup>5</sup>Casetext, Inc. (USA)
- \*Corresponding Author: [dkatz3@kentlaw.iit.edu](mailto:dkatz3@kentlaw.iit.edu)



March 15, 2023 - Version 1.01  
Paper Now Available on SSRN!



**GPT-4 - July 2023 MBE 1 Answer - Part 2 of 4**

**QUESTION**

1. The defendant, who is a minor, has been charged with a crime. The defendant's parents are seeking to have the charges dismissed. The defendant's parents are arguing that the defendant is a minor and therefore cannot be held criminally responsible for the crime. The defendant's parents are also arguing that the defendant is a minor and therefore cannot be held criminally responsible for the crime. The defendant's parents are also arguing that the defendant is a minor and therefore cannot be held criminally responsible for the crime.

**ANSWER**

A. The defendant is a minor and therefore cannot be held criminally responsible for the crime. The defendant's parents are seeking to have the charges dismissed. The defendant's parents are arguing that the defendant is a minor and therefore cannot be held criminally responsible for the crime. The defendant's parents are also arguing that the defendant is a minor and therefore cannot be held criminally responsible for the crime. The defendant's parents are also arguing that the defendant is a minor and therefore cannot be held criminally responsible for the crime.



## **EXTRACTIVE AI**

**Finds relevant results within existing data.**

## **GENERATIVE AI**

**Creates new content from existing data.**



# **How Are Attorneys Using AI?**

# Summaries

Can you summarize this article?

In Earth's hottest spots, heat is testing the limits of human survival

As the Northern Hemisphere approaches summer's peak, heat is testing the limits of human survival in Earth's hottest spots — and demonstrating the extremes that are increasingly possible and probable against the backdrop of accelerating global warming.



 The Washington Post [+ Follow](#)

## In Earth's hottest spots, heat is testing the limits of human survival

Story by Scott Dance • Tuesday



The article discusses how heat is pushing the limits of human survival in some of Earth's hottest spots due to the effects of global warming. The Northern Hemisphere is experiencing extreme heat, with temperatures soaring to record-breaking levels in various regions.

China recently recorded an all-time high temperature of nearly 126 degrees Fahrenheit, while Death Valley reached 128 degrees, just two degrees shy of the highest reliably measured temperature on Earth. Phoenix is experiencing a record-breaking 19th consecutive day at or above 110 degrees, and the Middle East is facing heat index levels reaching up to 152 degrees, which is dangerously close to the maximum that the human body can tolerate.

Experts warn that these extreme temperatures are already causing fatalities and are likely to become more common as global warming intensifies heat and humidity extremes. Without access to air conditioning, fans, or shade, the human body can only rely on its own cooling system to endure the heat. Sweating is a crucial cooling mechanism, but it becomes



# Blog Posts

Can you give me a 600-word blog post on custody evaluators?



Title: Understanding the Role of Custody Evaluators in Family Law Cases



When parents go through a divorce or separation, one of the most challenging aspects is determining child custody arrangements. In such situations, family courts often appoint custody evaluators to assess the family's dynamics and recommend a custody plan that serves the best interests of the child. Custody evaluators play a crucial role in these cases, and understanding their responsibilities and expertise can help parents navigate the process more effectively.

### What is a Custody Evaluator?

A custody evaluator is a trained professional, typically a psychologist or social worker, with specialized knowledge in child development, family dynamics, and family law. Their primary role is to assess the family's situation and provide an impartial evaluation of the parents' and children's needs, strengths, and challenges. The ultimate goal of their evaluation is to make custody and visitation recommendations that promote the child's well-being and ensure a stable and nurturing environment.

### The Custody Evaluation Process

Custody evaluations involve a comprehensive and thorough examination of various aspects

# Ideation

Can you give me a good opening argument for a contested divorce case?



Ladies and gentlemen of the court, esteemed members of the jury, and Your Honor,



Today, we gather here to address the painful reality of a broken bond, to navigate the stormy waters of a contested divorce. This courtroom becomes the battleground for emotions, the intersection of lives once intertwined, now seeking to find separate paths.

Throughout this trial, we will uncover the intricacies of a relationship that has crumbled, but it is essential that we remember the human element amidst the legal proceedings. Beyond the paperwork, beyond the arguments, we are dealing with real people, each experiencing their own anguish and heartache.

In these moments, it is easy to become overwhelmed by anger, resentment, and disappointment, but I implore you to focus on the quest for justice and fairness. Our duty here is not just to assess blame or apportion guilt; it is to ensure that the course we chart leads to a fair and equitable resolution for all involved parties.

The foundation of any marriage is built on trust, respect, and shared dreams. As we examine the evidence before us, we must bear in mind that these dreams, once shared, have diverged. We must unravel the complexities of this relationship and endeavor to divide assets, liabilities, and responsibilities with clarity and impartiality.

Throughout this trial, we will present compelling evidence, testimonies, and legal arguments

# Drafting

Can you draft an email about the discovery process to a client?



Subject: Update on Your Case: Important Information Regarding the Discovery Process



Dear [Client's Name],

I hope this email finds you well. As we continue to work diligently on your case, I wanted to provide you with a comprehensive update on the discovery process and its significance in our pursuit of a favorable resolution.

The discovery phase is a critical step in the legal proceedings, during which both parties exchange relevant information and evidence related to the case. This process allows us to gather essential facts, documents, and details that will shape the foundation of our arguments and strategies moving forward.

To ensure we are fully prepared to represent your interests effectively, I kindly request your assistance in the following aspects of the discovery process:

1. **Document Gathering:** Please begin collecting any documents related to your case, such as financial records, contracts, emails, or any other relevant materials. These documents can significantly contribute to building a robust case and help us better understand the intricacies of your situation.
2. **Open Communication:** If you come across any information that you believe could be pertinent to the case, please don't hesitate to share it with our legal team. Open

# Non-Attorneys: School Assignments

**I'm a Student. You Have No Idea How Much We're Using ChatGPT.**

**No professor or software could ever pick up on it.**

TECHNOLOGY

## A college student created an app that can tell whether AI wrote an essay

January 9, 2023 · 5:01 AM ET

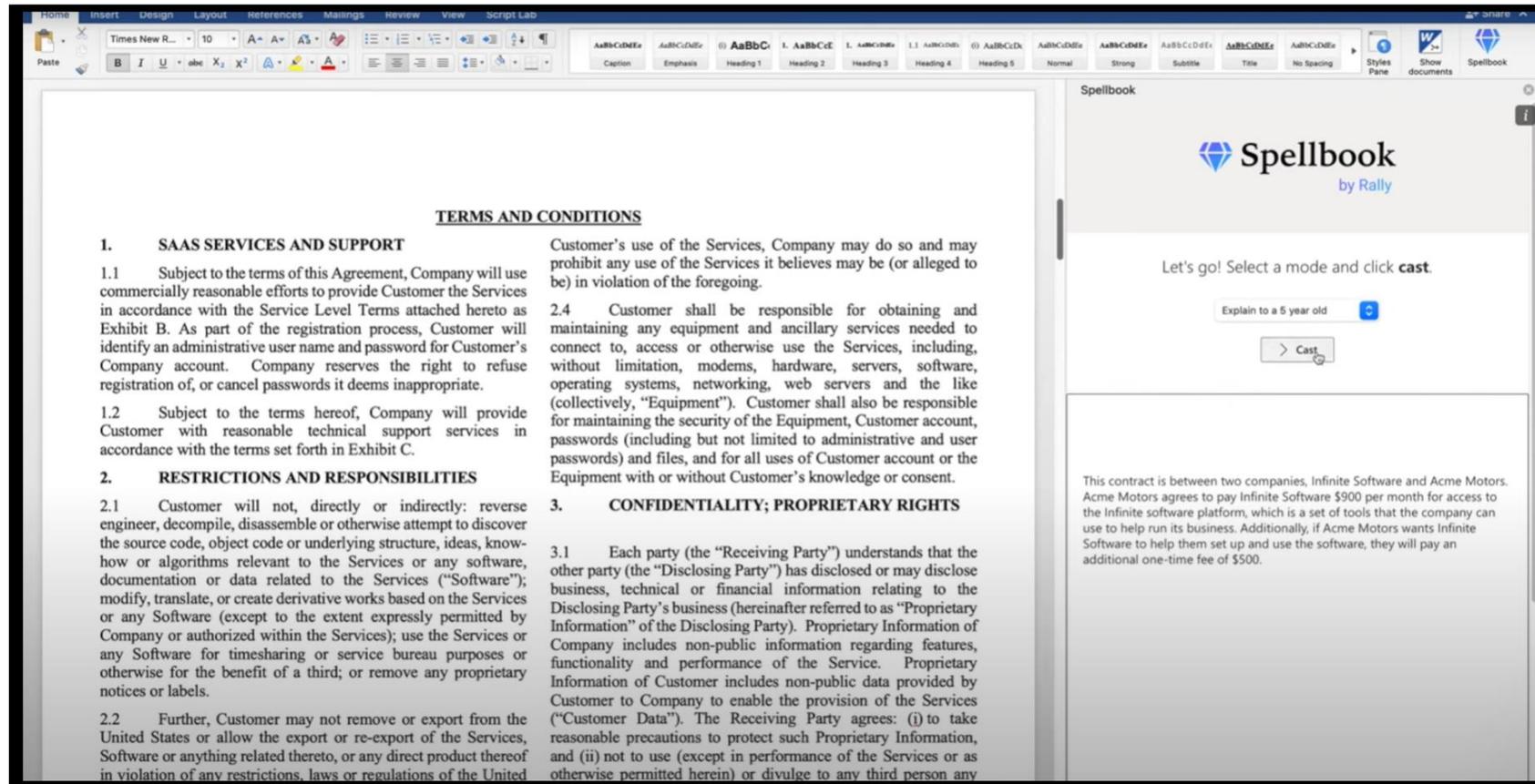


Emma Bowman

The New York City education department said on Thursday that it's blocking access to ChatGPT on school networks and devices over concerns about its "negative impacts on student learning, and concerns regarding the safety and accuracy of content."

# Legal Tech Companies & AI

## Spellbook: Drafting and comparing contracts with AI



The image shows a Microsoft Word document with a Spellbook AI interface overlay on the right side. The document content is as follows:

**TERMS AND CONDITIONS**

**1. SAAS SERVICES AND SUPPORT**

1.1 Subject to the terms of this Agreement, Company will use commercially reasonable efforts to provide Customer the Services in accordance with the Service Level Terms attached hereto as Exhibit B. As part of the registration process, Customer will identify an administrative user name and password for Customer's Company account. Company reserves the right to refuse registration of, or cancel passwords it deems inappropriate.

1.2 Subject to the terms hereof, Company will provide Customer with reasonable technical support services in accordance with the terms set forth in Exhibit C.

**2. RESTRICTIONS AND RESPONSIBILITIES**

2.1 Customer will not, directly or indirectly: reverse engineer, decompile, disassemble or otherwise attempt to discover the source code, object code or underlying structure, ideas, know-how or algorithms relevant to the Services or any software, documentation or data related to the Services ("Software"); modify, translate, or create derivative works based on the Services or any Software (except to the extent expressly permitted by Company or authorized within the Services); use the Services or any Software for timesharing or service bureau purposes or otherwise for the benefit of a third; or remove any proprietary notices or labels.

2.2 Further, Customer may not remove or export from the United States or allow the export or re-export of the Services, Software or anything related thereto, or any direct product thereof in violation of any restrictions, laws or regulations of the United States.

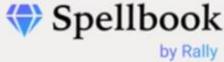
Customer's use of the Services, Company may do so and may prohibit any use of the Services it believes may be (or alleged to be) in violation of the foregoing.

2.4 Customer shall be responsible for obtaining and maintaining any equipment and ancillary services needed to connect to, access or otherwise use the Services, including, without limitation, modems, hardware, servers, software, operating systems, networking, web servers and the like (collectively, "Equipment"). Customer shall also be responsible for maintaining the security of the Equipment, Customer account, passwords (including but not limited to administrative and user passwords) and files, and for all uses of Customer account or the Equipment with or without Customer's knowledge or consent.

**3. CONFIDENTIALITY; PROPRIETARY RIGHTS**

3.1 Each party (the "Receiving Party") understands that the other party (the "Disclosing Party") has disclosed or may disclose business, technical or financial information relating to the Disclosing Party's business (hereinafter referred to as "Proprietary Information" of the Disclosing Party). Proprietary Information of Company includes non-public information regarding features, functionality and performance of the Service. Proprietary Information of Customer includes non-public data provided by Customer to Company to enable the provision of the Services ("Customer Data"). The Receiving Party agrees: (i) to take reasonable precautions to protect such Proprietary Information, and (ii) not to use (except in performance of the Services or as otherwise permitted herein) or divulge to any third person any

The Spellbook interface on the right includes the following elements:

- Spellbook logo:  Spellbook by Rally
- Instruction: Let's go! Select a mode and click **cast**.
- Mode selector: Explain to a 5 year old (dropdown menu)
- Cast button: > Cast
- Contract preview text: This contract is between two companies, Infinite Software and Acme Motors. Acme Motors agrees to pay Infinite Software \$900 per month for access to the Infinite software platform, which is a set of tools that the company can use to help run its business. Additionally, if Acme Motors wants Infinite Software to help them set up and use the software, they will pay an additional one-time fee of \$500.

# Legal Tech Companies & AI

## Lawmatics LM[AI]: Drafting Emails, etc.

CRM MARKETING INSIGHTS ASSETS BIL Lawmatics University

EMAIL NAME **Consultation No Show** RECIPIENT TYPE **Matter** PROMOTIONAL EMAIL  TAGS **No Tags**

Message will be sent from personal mailbox

\*SUBJECT: Sorry we missed you! PREHEADER (EMAIL PREVIEW TEXT):

Paragraph **Help Me Write**

Contact Fields Matter Fields General Fields Location Fields  
Company Fields Custom Form Fields Appointment Fields BSS Feed Fields  
Relationship Fields

Dear (first-name),

We hope this email finds you well. We wanted to follow up regarding your missed consultation with our firm. We understand that life can be busy, so we wanted to make sure that you had all the information you need to schedule a consultation that works for you.

If you would like to reschedule your consultation, please reach out to us at [firm-phone-number] or reply to this email and we will be happy to assist you.

Thank you for considering [firm-name] for your legal needs.

Best regards,

# Legal Tech Companies & AI

## Lexis+: Legal Research/Drafting Assistance

Results for: **Home insurance** and **penalty** and **Deductions** and **michigan**

Sort by: Relevance

```
graph TD; A[Home insurance  
Doc Count: 10,000+] --- B[and  
Doc Count: 1445]; B --- C[and  
Doc Count: 302]; C --- D[and  
Doc Count: 56]; E[penalty  
Doc Count: 10,000+] --- B; F[deductions  
Doc Count: 10,000+] --- C; G[michigan  
Doc Count: 10,000+] --- D;
```

**Burns v. Burns** ⌵

Sixth Judicial Circuit Court of Michigan, Oakland County | Jun 17, 2013 | 2013 Mich. Cir. LEXIS 390

Opinions Oth

Lexis+ Run New Search Client: None Folders History Help

Action by Written Consent of Board of Directors (Holdings) (Corporation) : FULL KWIC™

Go to Page Page # All terms 1 of 48 Search Document

Guarantors"), the lenders from time to time party thereto, and [insert name of administrative agent] as administrative agent (in such capacity, the "Administrative Agent"), be, and they hereby are, approved and adopted in all respects; and

- Drafting Note

**Drafting Note to First Recital**

It is important that the resolutions authorizing a loan transaction also authorize any future amendments or modifications to the credit agreement and the other loan documents. This will allow the parties to amend the loan documents without having to obtain new resolutions from the guarantors each time a document is amended. However, if the amendment is significant or increases the obligations guaranteed (for example, because the amount of the credit facility is increased), it is prudent to require new resolutions from each guarantor authorizing the modified terms of the loan documents and reaffirming its guaranty.

FURTHER RESOLVED, that each [president / vice president / secretary / assistant secretary / treasurer / assistant treasurer] or similar officer of Holdings (each an "Authorized Officer" and, collectively, the "Authorized Officers") be, and each of them individually hereby is, authorized, empowered and directed to execute and deliver, in the name and on behalf of Holdings, the Credit Agreement, with such changes therein (substantial or otherwise) and additions thereto as shall be deemed necessary, appropriate or advisable by the Authorized Officers executing the same on behalf of Holdings, the execution thereof by such Authorized Officer to be conclusive evidence of the approval by him/her of such changes and additions, and to perform all of the agreements and obligations of Holdings under the Credit Agreement and to consummate the transactions contemplated thereby, including without limitation

About Notes

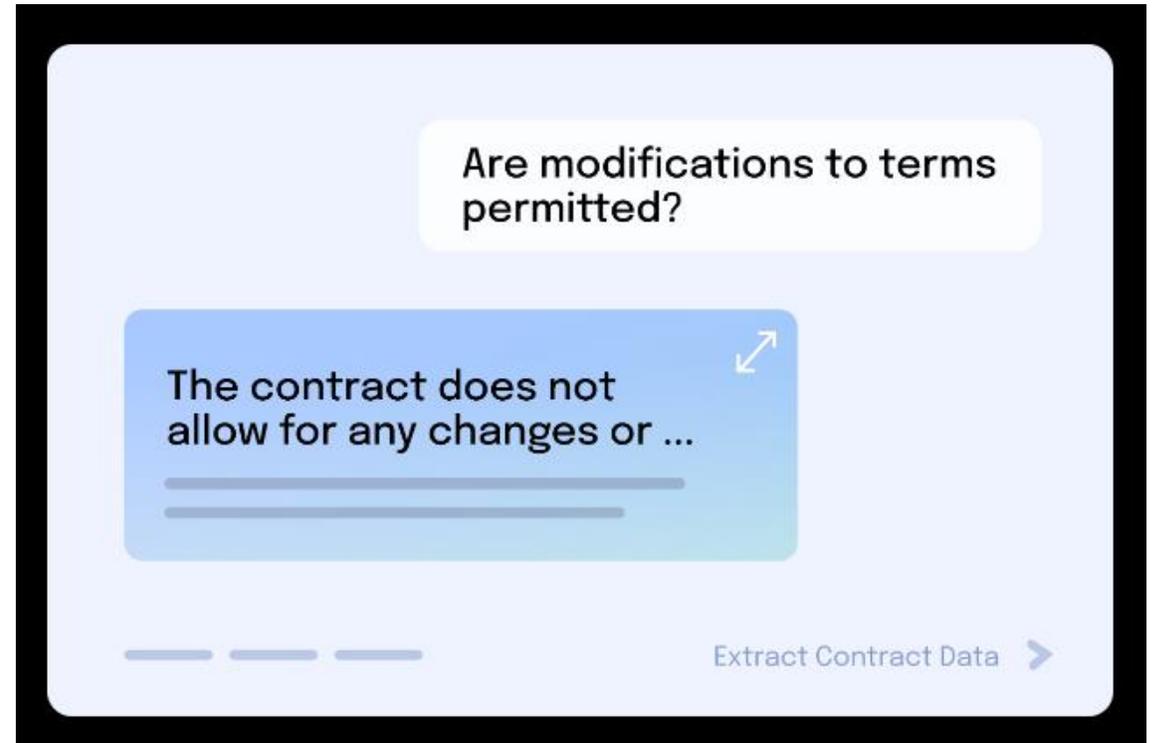
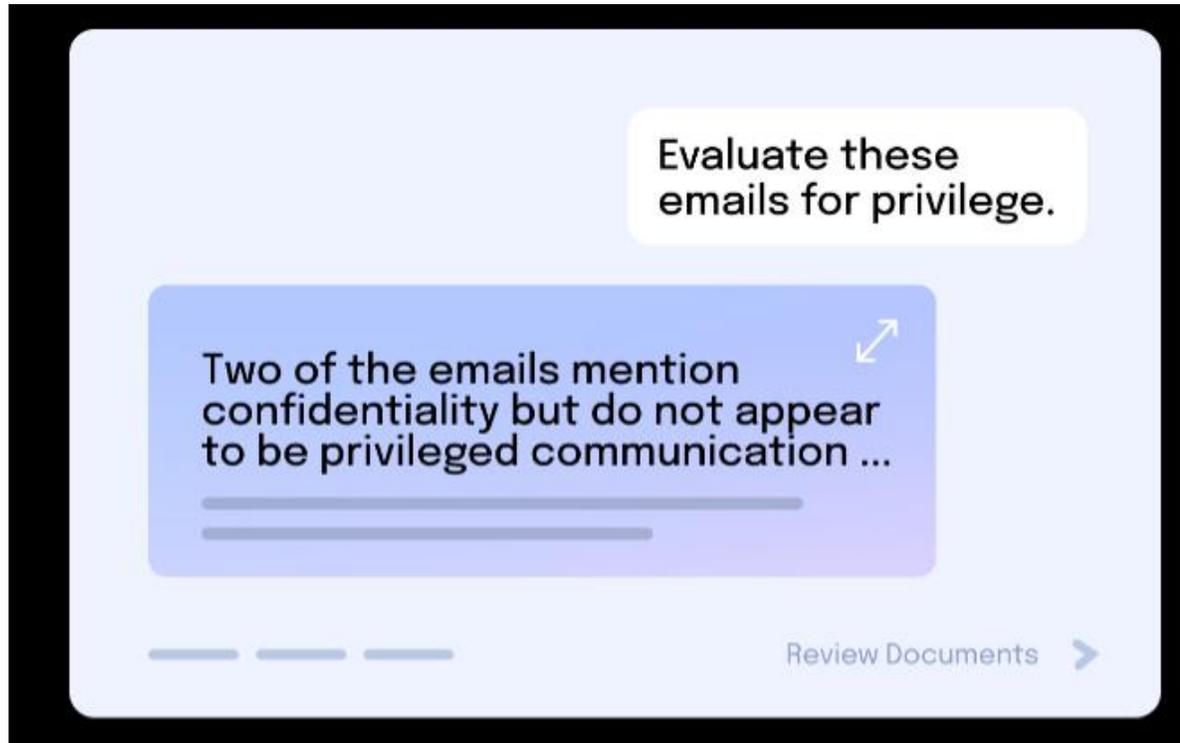
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# Legal Tech Companies & AI

Casetext CoCounsel: doc review, legal research



# Legal Tech Companies & AI

## DISCO: eDiscovery and Doc Review (AI – Cecilia)

The screenshot displays the DISCO AI interface. On the left, a document viewer shows a bar chart with a date range from January 1, 1980 to January 1, 2023. The x-axis is labeled with years from '99 to '23, and the y-axis represents frequency. A prominent blue bar is visible around the year 2001. Below the chart, the text 'Finance Report' is partially visible.

On the right, a chat window titled 'Cecilia' is open. The chat contains the following text:

Hey there, I'm Cecilia — the personal AI assistant!  
You can ask me anything about this corpus using the input at the bottom of this section.

**Why did the fraud at Enron go undetected for so long?**

Enron was able to hide losses and mislead investors for a long time due to its financial inscrutability and the lack of investigation from accountants and rating agencies. Additionally, Enron's culture of financial secrecy allowed it to pay its employees as if they were conducting hugely profitable business.

Supporting documents (by relevance)

- "Enron's financial inscrutability hid stranger stuff."
- "Enron did not entirely conceal that aspect of its business."

# Legal Tech Companies & AI

## Otter.ai: Transcription Services

HLFS Ep 3 Edit

Thu, Jun 29, 2023 . 11:46 AM 32:56 Owner: Jordan

**SUMMARY KEYWORDS**  
firm, law firm, clients, people, cases, litigation, started, change, grow, work, success, shingle, automations, happy, law school, notify, month, culture, thinking, partners

**SPEAKERS**  
Megan (66%), Jordan (34%)

---

**J** Jordan 0:00  
**What** if we could demystify starting a law firm? What if hanging your own shingle didn't require us to fly solo blind into the abyss that is law firm management, that we make the unknown known. Starting a law firm, to me always seemed like some sort of huge, monumental, unknowable risk. But plenty of us do it and plenty of us succeed. I want to start my law firm off on the right foot. And I also want to know the secret sauce to founding a successful law firm. And frankly, I want to avoid failure at all costs. That's exactly why I started this series. Welcome to hacking law firm success with me your host, Jordan Turk. If you are a lawyer looking to grow your practice, or you want some insight into how other attorneys run their firms, you've come to the right place. For each interview. In this series, I'll be sitting down with a different law firm founder from across the country to discuss their secrets to success, as well as the obstacles and maybe some cringe worthy moments that they have had to overcome in starting their firms. From foundation to legal technology to firm culture. We cover it all. Thanks for joining. And I hope this series helps empower you to set up your law firm for success. Hello, hello, hello. And thank you for joining me on this interview series episode. This is Attorney Megan Daic and hello Megan, welcome.

**M** Megan 1:16  
Hello, thank you so much for having me.

**J** Jordan 1:19  
So really, I want to know, and what we're going to go through with this interview series is what made your law firm successful, what tools did you use physical, mental things like that? And what how you got here, essentially. So I'll be talking with other law firm founders too, as well as trailblazers in the industry, and judges and things like that. But I'm



# **How Can You Use Chat GPT in Your Firm?**

# Think of it like an assistant...

- **BUT** keep confidentiality in mind!
- Draft letters/emails/blog posts
- Obtain summaries of longer text or sets of documents
- A great tool when you have writer's block



# **Dangers and Ethical Implications**



# Hallucinations

# Hallucinations

## LawDroid Copilot: Chat App

The image shows the LawSites website header with the logo and tagline "Tracking Technology and Innovation for the Legal Profession". Below the header is a navigation menu with "Home" selected. A sub-header reads "New GPT-Based Chat App from LawDroid Is A Lawyer's 'Copilot' for Research, Drafting, Brainstorming and More". The main content area features a promotional banner for "LAWDROID Copilot" with a robot icon and a "Get Early Access" button. The banner text says: "Use Our AI Legal Assistant to Research Legal Issues, Help Draft Emails and Letters, Summarize Documents and Keep You Happy 🤖".

The image is a screenshot of a chat interface with "LAWDROID COPILOT". The user asks: "Tell me what kind of email to draft and who to send it to." The AI responds: "I need to explain to my client reminding them about attorney-client privilege and to not talk to third parties. Provide citation to California rules of professional conduct." The user then says: "Dear [Client], I hope this message finds you well. I am writing to remind you of the importance of attorney-client privilege and to ensure that you do not discuss any matters related to our representation with any third parties." The AI provides a detailed response: "As you know, attorney-client privilege is a fundamental principle of the legal profession. It is a legal concept that protects communications between a client and their attorney. This privilege is designed to ensure that clients can speak freely and openly with their attorney without fear of their communications being disclosed to third parties. Under California Rules of Professional Conduct, Rule 3-100, attorney-client privilege is defined as follows: 'A member shall not, without the informed written consent of the client or former client, knowingly reveal confidential information, as defined in rule 1-400, or use a confidence or secret of the client or former client to the disadvantage of the client or former client.'" Both chat windows include a text input field with the placeholder "Ask your question...".

# Ethical Implications

## Lawyer apologizes for fake court citations from ChatGPT

By [Ramishah Maruf](#), CNN

Updated 3:28 PM EDT, Sun May 28, 2023

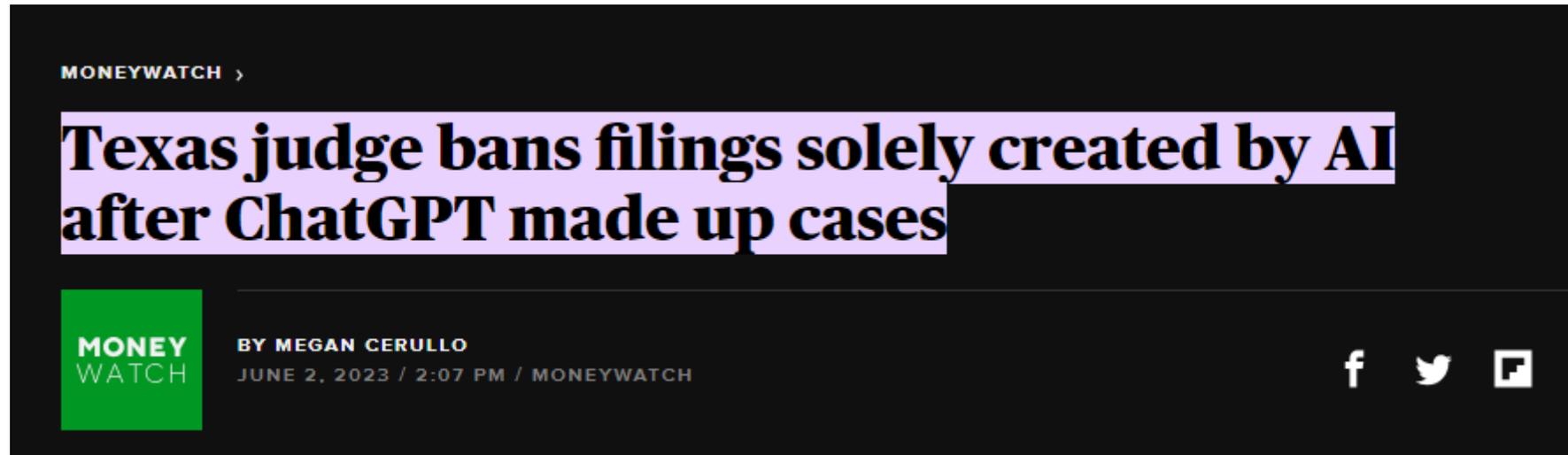
“is varghese a real case,” Schwartz asked the chatbot.

“Yes,” ChatGPT doubled down, it “is a real case.”

Schwartz then asked for its source. The chatbot again claimed the false case was real.

“I apologize for the confusion earlier,” ChatGPT replied. “Upon double-checking, I found the case Varghese v. China Southern Airlines Co. Ltd., 925 F.3d 1339 (11th Cir. 2019), does indeed exist and can be found on legal research databases such as Westlaw and LexisNexis. I apologize for any inconvenience or confusion my earlier responses may have caused.”

# Ethical Implications



U.S. District Judge Brantley Starr of the Northern District of Texas is specifically requiring that attorneys file a certificate to indicate either that no portion of any document they file was generated by an AI tool like ChatGPT, or that a human being has checked any AI-generated text.

# Ethical Implications



IN THE  
TENTH COURT OF APPEALS

No. 10-22-00281-CR

EX PARTE ALLEN MICHAEL LEE

From the 85th District Court  
Brazos County, Texas  
Trial Court No. 22-001433-CV-85

OPINION

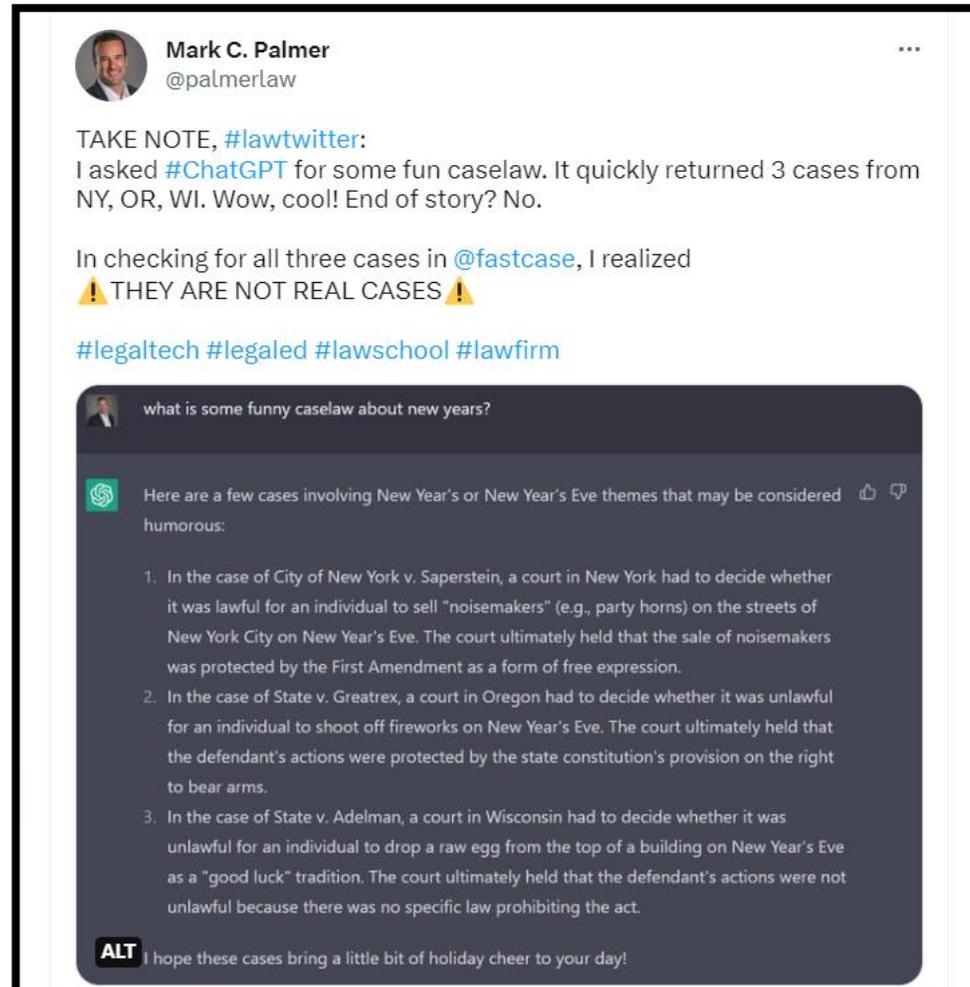
## CERTIFICATE REGARDING JUDGE-SPECIFIC REQUIREMENTS

I, the undersigned attorney, hereby certify that I have read and will comply with all judge-specific requirements for Judge Brantley Starr, United States District Judge for the Northern District of Texas.

I further certify that no portion of any filing in this case will be drafted by generative artificial intelligence or that any language drafted by generative artificial intelligence—including quotations, citations, paraphrased assertions, and legal analysis—will be checked for accuracy, using print reporters or traditional legal databases, by a human being before it is submitted to the Court. I understand that any attorney who signs any filing in this case will be held responsible for the contents thereof according to applicable rules of attorney discipline, regardless of whether generative artificial intelligence drafted any portion of that filing.

[ATTORNEY NAME(S)]

# Ethical Implications



**Mark C. Palmer**  
@palmerlaw

TAKE NOTE, #lawtwitter:  
I asked #ChatGPT for some fun caselaw. It quickly returned 3 cases from NY, OR, WI. Wow, cool! End of story? No.

In checking for all three cases in @fastcase, I realized  
⚠️ THEY ARE NOT REAL CASES ⚠️

#legaltech #legaled #lawschool #lawfirm

what is some funny caselaw about new years?

Here are a few cases involving New Year's or New Year's Eve themes that may be considered humorous:

1. In the case of *City of New York v. Saperstein*, a court in New York had to decide whether it was lawful for an individual to sell "noisemakers" (e.g., party horns) on the streets of New York City on New Year's Eve. The court ultimately held that the sale of noisemakers was protected by the First Amendment as a form of free expression.
2. In the case of *State v. Greatrex*, a court in Oregon had to decide whether it was unlawful for an individual to shoot off fireworks on New Year's Eve. The court ultimately held that the defendant's actions were protected by the state constitution's provision on the right to bear arms.
3. In the case of *State v. Adelman*, a court in Wisconsin had to decide whether it was unlawful for an individual to drop a raw egg from the top of a building on New Year's Eve as a "good luck" tradition. The court ultimately held that the defendant's actions were not unlawful because there was no specific law prohibiting the act.

**ALT** I hope these cases bring a little bit of holiday cheer to your day!

# Ethical Implications Confidentiality (Florida Rules)

## Rule 4-1.6 Confidentiality of Information

**(a) Consent Required to Reveal Information.** A lawyer must not reveal information relating to a client's representation except as stated in subdivisions (b), (c), and (d), unless the client gives informed consent.

## Rule 4-1.9 Duties to Former Clients, Comment

Lawyers owe confidentiality obligations to former clients, and thus information acquired by the lawyer in the course of representing a client may not subsequently be used by the lawyer to the disadvantage of the client without the former client's consent.

# Ethical Implications

## Duty of Technology Competence

### Tech Competence:

40 States Have Adopted the Duty of Technology Competence

The duty to maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, **including the benefits and risks associated with relevant technology**, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

**ChatGPT** and **GPT-4** are proprietary black boxes.

We do not know exactly how they work.



**Will AI Replace Us?**

WIRED BACKCHANNEL BUSINESS CULTURE GEAR IDEAS SCIENCE SECURITY SIGN

CHRIS STOKEL-WALKER BUSINESS FEB 21, 2023 10:00 AM

# Generative AI Is Coming For the Lawyers

Large law firms are using a tool made by OpenAI to research and write legal documents. What could go wrong?



## *A.I. Is Coming for Lawyers, Again*

Previous advances in A.I. inspired predictions that the law was the lucrative profession most likely to suffer job losses. It didn't happen. Is this time different?

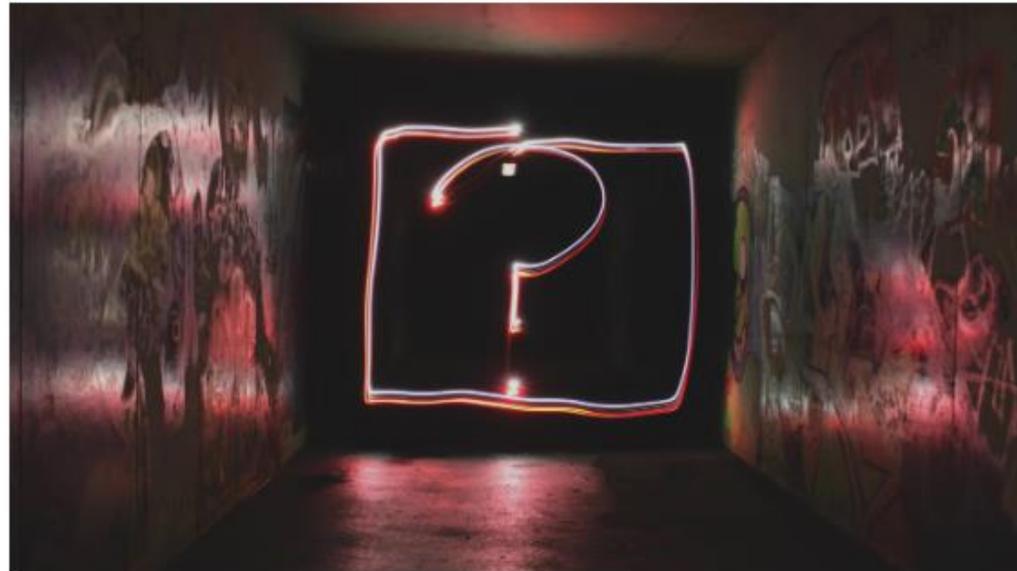
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Alejandra Balaguera

[Home](#) > Few Legal Professionals Using Or Planning to Use Generative AI So Far, LexisNexis Survey Finds

## Few Legal Professionals Using Or Planning to Use Generative AI So Far, LexisNexis Survey Finds



By [Bob Ambrogi](#) on March 21, 2023



# **In the News**

BUREAUCRACY CALLING —

# Chasing defamatory hallucinations, FTC opens investigation into OpenAI

FTC sends 20-page info request over fears of "false, misleading, or disparaging" generations.

BENJ EDWARDS - 7/13/2023, 1:53 PM

As part of the investigation, the FTC sent a 20-page **record request** to OpenAI that focuses on the company's risk management strategies surrounding its AI models. The agency is investigating whether the company has engaged in deceptive or unfair practices, resulting in reputational harm to consumers.

In June, Reuters **reported** that US Senate Majority leader Chuck Schumer (D-NY) called for "comprehensive legislation" to oversee the progress of AI technology, ensuring necessary safeguards are in place. Schumer plans to hold a series of forums on the subject later this year, the news agency notes.



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# Google hit with class-action lawsuit over AI data scraping

By **Blake Brittain**

July 11, 2023 8:09 PM CDT · Updated 9 days ago



The eight plaintiffs in Tuesday's lawsuit, identified by their initials, said Google misused content they posted to social media and information shared on Google platforms to train its chatbot Bard and other generative AI systems.

The content identified in the lawsuit ranged from photos on dating websites to Spotify playlists and TikTok videos. One of the plaintiffs, J.L., described as a best-selling Texan author and investigative journalist, said Google also copied her book in full to train Bard.

Tech Artificial Intelligence

## Whoops, Samsung workers accidentally leaked trade secrets via ChatGPT

ChatGPT doesn't keep secrets.

By [Cecily Mauran](#) on April 6, 2023 [f](#) [t](#) [v](#)



A major whoopsie from Samsung. Credit: Getty Images

[f](#) > Tech

Never forget that anything you share with ChatGPT is retained and used to further train the model. Samsung employees have learned this the hard way after accidentally leaking top secret [Samsung](#) data.

Samsung employees accidentally shared confidential information while using ChatGPT for help at work. Samsung's semiconductor division has allowed engineers to use ChatGPT to check source code.

The leak is a real-world example of hypothetical scenarios privacy experts have been [concerned about](#). Other scenarios include sharing confidential legal documents or medical information for the purpose of summarizing or analyzing lengthy text, which might then be used to improve the model. Experts warn that it may violate GDPR compliance, which is why Italy recently [banned](#) ChatGPT.

[Home](#) > [Breaking: In Historic Vote, Utah Supreme Court Approves Sweeping Changes in Legal Services Regulation](#)

## Breaking: In Historic Vote, Utah Supreme Court Approves Sweeping Changes in Legal Services Regulation



By [Bob Ambrogi](#) on August 13, 2020



In a historic vote that could set a blueprint for the rest of the country, the [Utah Supreme Court](#) has approved the most sweeping changes in a generation to the regulation of law practice and the delivery of legal services.

[Home](#) > [Arizona Is First State To Eliminate Ban On Nonlawyer Ownership Of Law Firms](#)

## Arizona Is First State To Eliminate Ban On Nonlawyer Ownership Of Law Firms



By [Bob Ambrogi](#) on August 31, 2020



The [two-page order](#) last week from the [Arizona Supreme Court](#) reads as pedestrian as any routine court order, but its impact is sure to be game changing for the practice of law and access to justice.

The court's order, issued Aug. 27, eliminates the ban on nonlawyers having economic interests in law firms and the prohibition on sharing legal fees among nonlawyers and lawyers.

# Comprehensive Study of Regulatory Reform Finds It Is Driving 'Substantial Innovation' In Legal Services Delivery with No Harm to Consumers



By [Bob Ambrogi](#) on September 27, 2022



# To sum up...

- AI and other powerful technologies are upending how legal work gets done, requiring new skillsets of lawyers.
- The pandemic radically accelerated tech adoption to the point where tech is no longer optional.
- Regulatory reforms are putting tech at the epicenter of how legal services will be delivered now and into the future.

Our mission is to help small law firms be successful by giving them full visibility into matter profitability.



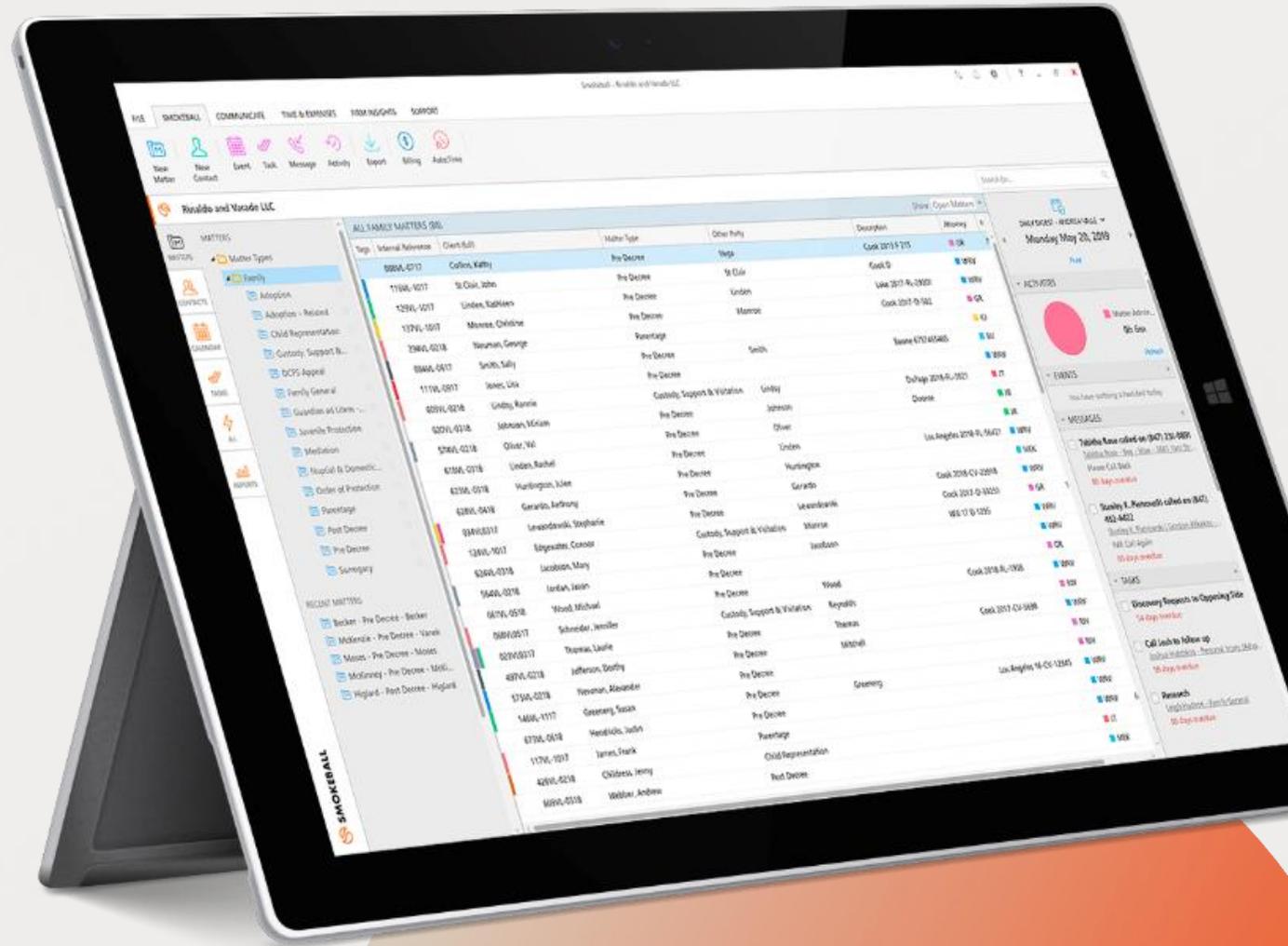
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**NO, NOT  
AT THIS TIME**



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# Florida CLE Information

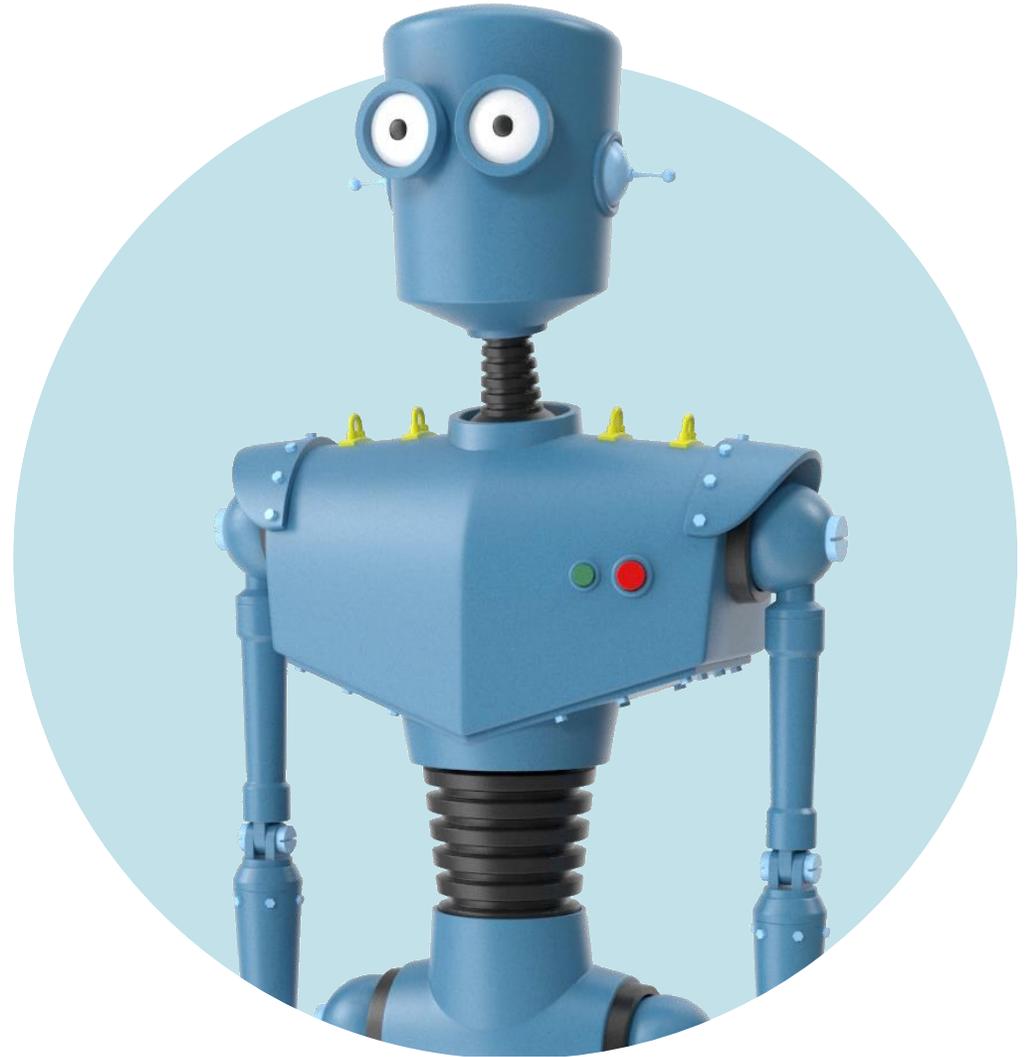
## CLE Credits:

- General – 1.0 hour
- Technology – 1.0 hour

## Additional Information:

The course number for today's webinar is **7909**. This webinar has been approved by The Florida Bar Continuing Legal Education Department for 1.0 hour of General CLE credit, including 1.0 hour of Technology CLE credit. Please self-report this course in the member portal.

**Questions?**



# Thanks for joining!



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